



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRANK J UXA
STOUT UXA BUYAN & MULLINS
SUITE 300
4 VENTURE
IRVINE CA 92618

MAILED

MAR 12 2010

OFFICE OF PETITIONS

In re Application of
Manesis
Application No. 10/551,753
Filed: September 30, 2005
Attorney Docket No. D-3132

:
:
:
:
:

ON PETITION

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed January 4, 2010.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.137(b)". No further petition fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed June 3, 2009, which set a shortened statutory period for reply of three (3) months. Applicant filed an Amendment on August 3, 2009. However, in an Advisory Action mailed on September 8, 2009, the Examiner informed Applicant that the Amendment would not be entered because it failed to place the application in condition for allowance. No further proper reply having been received, the application became abandoned on

September 4, 2009. The Office mailed a courtesy Notice of Abandonment on December 17, 2009.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

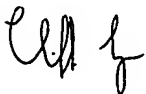
The instant petition has not satisfied requirement (1). Applicant has not submitted a proper reply to the June 3, 2009 final Office action. As set forth above, a proper response to a final office action consists of either: (1) an amendment that *prima facie* (i.e. on its face) places the application in condition for allowance; (2) a Notice of Appeal (and the required fee); (3) a Request for Continued Examination (and the required fee), or (4) a continuing application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions